

06.05.2025
Sl. No.15
Ct.3/ tkm

W.P.A. 28090 of 2024
[Kolkata Interiors Pvt. Ltd. vs. State of West Bengal & Ors.]

Ms. Debalina Lahiri
Mr. Mrinmoy Chatterjee
... .. for the petitioner

Ms. Nandini Mitra
... .. for respondent nos. 3 to 6

Mr. Sayantan Basu
Ms. Priyanka Gope
... .. for respondent nos. 7 & 8

Mr. Swapan Kr. Datta
Mr. Tapas Kr. Dey
... .. for the State

1. Affidavit of service is taken on record.
2. The present writ petition is filed being aggrieved by the inaction on the part of the respondent in disbursing the undisputed and/or admitted amount payable to the petitioner pursuant to valid work orders issued for supply of furniture. The petitioner had duly performed their part of the contractual obligations by supplying the requisite furniture to respondent no. 3, in accordance with the terms stipulated in the work order.
3. It is the case of the petitioner that respondent nos. 7 and 8 had issued two work orders for supply of furniture to respondent no. 3. The petitioner, in compliance with the said work orders, had duly supplied the furniture to respondent no. 3 and subsequently raised the bill on respondent no. 7. Although, respondent no. 7 had acknowledged the outstanding dues, however, no payment was released to the petitioner on the ground that respondent no. 3 had not made the said payment to respondent

no. 7. As the dues remained unpaid for a considerable period, the petitioner had submitted a formal representation. Pursuant to such representation, a partial payment of Rs. 18,11,422/- was released. However, till date the entire amount due has not yet been released in favour of the petitioner.

4. This Court is not unmindful of the legal position that ordinarily, matter pertaining to contractual disputes- especially those involving monetary claims, may not be amenable to the writ jurisdiction under article 226 of the constitution of India, unless there is manifest arbitrariness, mala fide or violation of fundamental rights.
5. However, the petitioner has drawn the Court's attention to the decision rendered by a co-ordinate Bench in WPA 25371 of 2022, wherein under an analogous factual matrix, the Court had exercised its writ jurisdiction and directed the disbursal of the admitted dues to the concerned petitioner.
6. The facts of the present case are similar in nature. Thus, this court has no hesitation in directing the respondent no. 3 to forthwith release the requisite payment in favour of the respondent no. 7, who shall in turn, ensure the transmission of the said payment to the petitioners within a period of eight weeks from the date of communication of this order.
7. With the above direction, the present writ petition is disposed of.

(Gaurang Kanth, J.)